

Amendments to the Drawings:

The attached replacement drawing sheets makes changes to Figs. 3, 6 and 7, and replaces the original sheets with Figs. 3, 6 and 7.

Attachment: Replacement Sheets

REMARKS

Claims 1-11 are pending. By this Amendment, the specification and drawings are amended. No new matter is added by this Amendment. In view of the foregoing, reconsideration and allowance are respectfully requested.

Applicants note with appreciation the indication of allowable subject matter in claims 3, 8 and 10. All pending claims are patentable as described below.

I. Objections to the Drawings

The drawings are objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they include the following reference characters not mentioned in the description: 7, 9, 12a and 36. The drawings are also objected to for failing to show proper cross-hatching.

The specification has been amended to include reference characters 7, 9 and 36. Reference character 12a is provided in paragraph [0037]. Regarding the objection for failing to show proper cross-hatching, Applicants have submitted corrected drawing sheets.

II. Rejections Under 35 U.S.C. §103(a)

Claims 1 and 4 stand rejected under 35 U.S.C. §103(a) over Yasuda et al. JP '889 in view of JP '054. This rejection is respectfully traversed.

Applicants respectfully submit that the Office Action has failed to make a *prima facie* case of obviousness. Specifically, the Office Action fails to identify any motivation to make the alleged modification (i.e., why the skilled artisan would have been motivated to modify the device of JP '889 in view of JP '054) as required by MPEP §§2142, 2143. The Office Action only alleges that each of the references disclose a particular feature that is common to that of the claims and concludes that it would have been obvious to one of ordinary skill in the art to modify JP '889 in view of JP '054. The fact that each reference discloses a particular feature that is common to that of the claims is not enough to establish a *prima facie* case of obviousness under §103(a) unless the references also suggest the desirability of such a

modification (see MPEP §§2143.01(iii) and 2143.01(iv)). Accordingly, withdrawal of the rejection is respectfully requested.

Claims 2 and 7 stand rejected under 35 U.S.C. §103(a) over the references applied to claims 1 and 4 above, and further in view of Alberghini et al. '453; claims 5, 9 and 11 stand rejected under 35 U.S.C. §103(a) over the references as applied to claims 1, 2 and 4, and further in view of Iizuka JP '434; claim 6 stands rejected under 35 U.S.C. §103(a) over the references as applied to claim 5 and further in view of Takahashi et al. '521. These rejections are respectfully traversed. Claims 2, 5, 6, 7, 9 and 11 depend from claim 1 and thus are also allowable for the reasons discussed above.

Regarding the rejection of claims 2 and 7 under 35 U.S.C. §103(a) over the references as applied to claims 1 and 4, and further in view of Alberghini et al. '453, Applicants respectfully submit that the combination of references fails to disclose or suggest the features recited in claim 2. In particular, Applicants submit that Alberghini fails to disclose or suggest even-numbered panels that are symmetrically arranged on a front half side of the bottle main body, and odd-numbered panels that are symmetrically arranged on a rear half side thereof. In contrast, Alberghini only discloses reconfigurable panels (64) that can be reconfigured when an external force has been applied to the panel.

III. Non-Statutory Double Patenting Rejection

Claims 1, 5 and 6 are provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1, 10 and 11 copending Application No. 10/508,516, in view of (JP '889) and JP '054. This rejection is respectfully traversed.

As discussed above, Applicants respectfully submit that the Office Action has failed to make a *prima facie* case of obviousness because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to combine the teachings of JP '889 and JP '054 with the copending application

claims. The fact that each reference may disclose a particular feature that is common to that of the claims is not enough to establish a *prima facie* case of obviousness under §103(a). Accordingly, withdrawal of the rejection is respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:TSS/tbm

Attachment:

Replacement Sheets (2)
Petition for Extension of Time

Date: September 25, 2006

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